

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the “Act”),

Mountain States Petroleum Corporation
English Lease Boundary Butte
P.O. Box 2906
Amarillo, TX 79105

is authorized to discharge from an oil and gas production facility located at Batteries No. 1 and No. 3, English Lease Boundary Butte Field, Township 43 South, Range 22 East, in San Juan County, Utah,

from two discharge outfalls, No. 001 and No. 002, as follows:

Outfall 001: Battery No. 1 - NW Section 22
Latitude: 109° 30' 00" N
Longitude: 37° 02' 30" W

Outfall 002: Battery No. 3 - NE Section 16
Latitude: 109° 24' 45" N
Longitude: 37° 03' 15" W

to an unnamed tributary to Chinle Wash, a tributary to the San Juan River, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein, and in the attached 10 pages of EPA Region 9 “Standard Federal NPDES Permit Conditions,” dated June 3, 2002.

This permit shall become effective on _____.

This permit and the authorization to discharge shall expire at midnight, _____.

Signed this _____ day of _____.

For the Regional Administrator

Alexis Strauss, Director
Water Division
EPA, Region 9

SECTION A. EFFLUENT LIMITATION AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting through the date of the permit expiration, the permittee shall not discharge process wastewater pollutants to receiving waters, except from discharge outfalls Nos. 001 and 002, as specified below.
2. Such discharge shall be limited and monitored by the permittee as specified below. The effluent shall be sampled at the discharge pipe from the final water retention pit or secondary sedimentation basin, as applicable prior to admixture with the dilution water in the natural draw, prior to discharge to Chinle Wash, an eventual tributary to the San Juan River.

Discharge Outfall 001 - Battery No. 1 discharge pipe from the secondary sedimentation basin prior to admixture with the dilution water in the unnamed tributary						
Effluent Parameter	Units	Monthly Average	Weekly Average	Daily Maximum	Monitoring Frequency	Sample Type
Flow ¹	MGD	--	--	--	Monthly	Instantaneous
BOD ₅ ¹	mg/l	25	35	--	Quarterly	Grab
	kg/day	7.5	10.5	--		
TSS ¹	mg/l	25	35	--	Quarterly	Grab
	kg/day	7.5	10.5	--		
Oil and Grease	mg/l	--	--	10	Monthly	Grab
TDS ²	mg/l	--	--	1200	Quarterly	Grab
pH	std. units	between 6.5 to 9.0			Quarterly	Grab

Discharge Outfall 002 - Battery No. 3 discharge pipe from the final water retention pit prior to admixture with the dilution water in the unnamed tributary						
Effluent Parameter	Units	Monthly Average	Weekly Average	Daily Maximum	Monitoring Frequency	Sample Type
Flow ¹	MGD	--	--	--	Monthly	Instantaneous
BOD ₅ ¹	mg/l	25	35	--	Quarterly	Grab
	kg/day	3.75	5.26	--		
TSS ¹	mg/l	25	35	--	Quarterly	Grab
	kg/day	3.75	5.26	--		
Oil and Grease	mg/l	--	--	10	Monthly	Grab
TDS ²	mg/l	--	--	1200	Quarterly	Grab
pH	std. units	between 6.5 to 9.0			Quarterly	Grab

NOTES:

- (1) Report both average and maximum daily flows.
- (2) During Periods of Discharge. Salinity (or Total Dissolved Solids) shall be determined by the “calculation method” (sum of constituents) as described in the latest edition of “Techniques of Water Resources Investigations of the United States Geological Survey—Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases.”

SECTION B. GENERAL DISCHARGE SPECIFICATIONS

All Waters of the Navajo Nation shall be free from pollutants in amounts or combinations that, for any duration:

1. Cause injury to, are toxic to, or otherwise adversely affect human health, public safety, or public welfare.
2. Cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.
3. Settle to form bottom deposits, including sediments, precipitates and organic materials, that cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend
4. Cause physical, chemical, or biological conditions that promote the habitation, growth or propagation of undesirable, non-indigenous species of plant or animal life in the water body.
5. Cause solids, oil, grease, foam, scum, or any other form of objectionable floating debris on the surface of the water body; may cause a film or iridescent appearance on the surface of the water body; or that may cause a deposit on a shoreline, on a bank, or on aquatic vegetation.
6. Cause objectionable odor in the area of the water body.
7. Cause objectionable taste, odor, color, or turbidity in the water body.
8. Cause objectionable taste in edible plant and animal life, including waterfowl, that

reside in, on, or adjacent to the water body.

In addition, State of Utah's "Wastewater Disposal Regulations – Part II. Standards of Quality for Waters of the State," states that "No sanitary wastes shall be introduced into skimming/settling ponds or to any point in the treatment process."

SECTION C. PERMIT REOPENER

Should any of the monitoring indicate that the discharge causes, has the reasonable potential to cause, or contributes to excursions above water quality criteria, the permit may be reopened for the imposition of water quality based limits and/or whole effluent toxicity limits. Also, this permit may be modified, in accordance with the requirements set forth at 40 CFR Parts 122.44 and 124.14, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new Tribal water quality standards.

SECTION D. MONITORING AND REPORTING

1. For effluent analyses, the permittee shall utilize an EPA-approved analytical method with a Method Detection Limit ("MDL") that is lower than the effluent limitations (or lower than applicable water quality criteria if monitoring is required but no effluent limitations have been established.) MDL is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by the specific laboratory method listed in 40 CFR Part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.
2. If all published MDLs are higher than the effluent limitations (or applicable criteria concentrations), the permittee shall utilize the EPA-approved analytical method with the lowest published MDL.
3. Monitoring results obtained during the previous three (3) months shall be summarized for each month and submitted on forms to be supplied by the EPA Regional Administrator, to the extent that the information reported may be entered on the forms. The results of all monitoring required by this permit shall be submitted in such a format as to allow direct comparison with the limitations and requirements of the permit. Unless otherwise specified, discharge flow shall be reported in terms of the average flow over that 30-day period. These reports are due January 28, April 28, July 28, and October 28 of each year. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the EPA Regional Administrator, with copies to the Navajo Nation EPA and Utah Department of Health at the following addresses:

Regional Administrator
Environmental Protection Agency
Region IX, Attn: WTR-7
75 Hawthorne Street
San Francisco, CA 94105

Navajo Nation EPA
NPDES Program
P.O. Box 339
Window Rock, AZ 86515

Utah Department of Health
Bureau of Water Pollution Control
P.O. Box 16690
Salt Lake City, UT 84006-0690

SECTION E. INSPECTION AND ENTRY

The permittee shall allow representatives of the Navajo Nation EPA to accompany the Regional Administrator, or an authorized representative or in lieu of the Regional Administrator, on inspections performed under authority of Section 10 Inspection and Entry of the EPA, Region 9, "Standard Federal NPDES Permit Conditions."

SECTION F. DEFINITIONS

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
2. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.
3. "Daily maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
4. "Daily average" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
5. "EPA" means the United States Environmental Protection Agency.

6. “Grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
7. “Instantaneous” measurement, for monitoring requirements, is defined as a single reading, observation, or measurement. “Monthly average” (or 30-day average) is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms
8. “Regional Administrator” means EPA Region 9’s Regional Administrator.
9. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production
10. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
11. “Weekly average” (or 7-day average) is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.